

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEREMY WILKINSON,
Plaintiff,

v.

LINDA S. MCMAHON¹,
Commissioner of
Social Security,
Defendant

: No. 3:06cv110
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: (Judge Munley)
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ORDER

AND NOW, to wit, this 12th day of February 2007, we have before us for disposition United States Magistrate Judge Malachy E. Mannion's report and recommendation (Doc. 11) which proposes the denial of plaintiff's appeal of the Commissioner of Social Security's decision denying his claims for Disability Insurance Benefits and Supplemental Security Income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-433, 1381-1383(f). No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in order to decide whether to adopt the report and recommendation, we must determine whether a review of the record evidences plain error or manifest injustice. See, e.g., Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983); FED. R.

¹Linda S. McMahon became the Acting Commissioner of Social Security, effective January 20, 2007. Under Fed.R.Civ.P. 25(d)(1) and 42 U.S.C. § 405(g), Linda S. McMahon is automatically substituted as the defendant in this action.

Civ. P. 72(b) 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); 28 U.S.C. § 636(b)(1).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation.

1) The magistrate judge’s report and recommendation (Doc. 11) is hereby

ADOPTED;

2) The plaintiff’s social security appeal (Doc. 1) is **DENIED**; and

3) The Clerk of Court is directed to close this case.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court